

DEER LODGE ASPHALT INC.,)	AGBCA No. 2000-123-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Bruce Anderson)	
Deer Lodge Asphalt Inc.)	
1140 Kelley Street)	
Deer Lodge, Montana 59722)	
)	
Representing the Government:)	
)	
Marcus R. Wah)	
Office of the General Counsel)	
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P.O. Box 7669)	
Missoula, Montana 59807)	

DECISION OF THE BOARD OF CONTRACT APPEALS

April 6, 2000

Before HOURY, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On January 18, 2000, the Board received this appeal filed by Deer Lodge Asphalt Inc., of Deer Lodge, Montana (contractor). The respondent is the U. S. Department of Agriculture, Forest Service (Government). The contractor appeals the notice of termination for default issued by the contracting officer regarding Contract No. 50-03H6-7-02005, Four Corners Road Construction.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended.

In a submission received by the Board on April 5, 2000, the parties confirmed what was conveyed during a telephone conference, which made the further development of the record unnecessary: they have satisfactorily resolved the dispute (in fact, any and all disputes surrounding the actions giving rise to the termination for default) and entered into a settlement agreement. They request that the matter be dismissed with prejudice.

DECISION

Pursuant to the request of the parties, the Board dismisses with prejudice this appeal.

JOSEPH A. VERGILIO
Administrative Judge

We concur:

EDWARD HOURY
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
April 6, 2000